

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

CRIMINAL NO. 04-10176-RWZ

v.

ITZA RUIZ and HERIBERTO RUIZ,
Defendants

REPORT & ORDER ON
FINAL STATUS CONFERENCE

COLLINGS, M.J.

On November 18, 2004, the parties appeared before this Court for a Final Status Conference. With regard to the following issues, the parties represent that:

1. There are no outstanding discovery issues not yet presented or not yet resolved by the Court.
2. The government does not expect to provide additional discovery. As noted previously, the government has provided all documents and other discoverable materials in this case.
3. The defendants do not intend to raise a defense of insanity or public authority.
4. The government has requested notice of alibi and the defendants have not responded that s/he will raise an alibi defense.
5. Pursuant to the Court's Order dated September 21, 2004, the defendants were required to file any motion to sever, dismiss, or suppress or, any other motion requiring a ruling by the District Court prior to trial on or before November 5, 2004. As of this date, no motions have been filed.
6. There are no other matters which requires a schedule be set in the case.

7. The parties have discussed the possibility of an early resolution of the case without trial. The parties have not, at this time, resolved this case.

8. There are periods of excludable delay under the Speedy Trial Act.

(a) Pursuant to the Court's Order of Excludable Delay dated September 21, 2004, up until November 5, 2004, there were 16 non-excludable days.

Since no motions have been filed, there are an additional 17 non-excludable days.

There are 37 days remaining in which to commence trial.

9. The government anticipates that its case-in-chief will take approximately five days.

By the government:

/s/ Nadine Pellegrini

Nadine Pellegrini, AUSA

By the Defendants:

/s/ Stephen Jonas

Stephen Jonas, Esq.

/s/ Catherine Byrne
Catherine Byrne, Esq.

Dated: 11/17/04